

### **DETAILED ACTION**

1. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,032,156 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely appraise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

### ***Response to Arguments and amendment***

2. In view of the supplemental amendment and authorization to do examiner's amendment, previous rejections and objection has been withdrawn.
3. Claims 1 – 20, 22, 30 – 56, 60 – 71 and 105 – 109 are allowed.

### **EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert E. Rosenthal on January 28, 2011.

The application has been amended as follows:

**Amendment to the Claims**

Please amend the specification as follows:

Col. 1, line 3,

insert -- Notice: More than one reissue application has been filed for the reissue of Patent No. 6,032,156. The reissue applications are application numbers 10/087,003 (the present application) and 10/616,602 (Now Patent No. Re 41493) which is continuation reissue of Patent No. 6,032,156. --

Please amend the claims as follows:

1. (Three Times Amended) A method of creating media programming, comprising the steps of:

maintaining in a memory device a database containing selected information about each of a plurality of media elements;

automatically selecting by a processor in communication with the memory device a plurality of said media elements in response to a request for media programming, and automatically selecting by the processor a temporal organization for said selected media elements, employing by the processor definitions associated with the request, correspondence between the definitions and information in the database, and a sequence of temporal positions for the media elements, to select fewer than all the media elements in the database responsive to the request and to select the temporal organization, said temporal organization not being dictated by said selected information; and

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assembling said media elements into media programming.

11. (Four Times Amended) A system of creating media programming from a library of media assets, comprising:

a database containing selected information about each of said media assets;

selection means including a processor for automatically selecting a plurality of said media assets in response to a request for media programming, and for automatically selecting a temporal organization for said selected media assets, employing definitions associated with the request, correspondence between the definitions and information in the database, and a sequence of temporal positions for the media elements, to select fewer than all the media elements in the database responsive to the request and to select the temporal organization, said temporal organization not being dictated by said selected information; and

assembling means including a processor for assembling said media elements into media programming.

13. (Once Amended) The system of claim 11 [12], wherein said media elements are still photographs, and said media programming comprises a series of still photographs.

21. (Canceled)

23-29. (Canceled)

57-59. (Canceled)

79-83. (Canceled)

104. (Canceled)

105. (Amended) The method of claim 1, wherein the temporal positions are in a sequence defined by a template stored in the database.

109. (Amended) The method of claim 108, wherein the template defines the sequence of temporal positions for media elements.

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

After a thorough search and examination and considering prior art made of record and in considering a REISSUE, claims 1 – 20, 22, 30 – 56, 60 – 71 and 105 – 109 are allowed as amended.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shahid Al Alam/  
Primary Examiner, Art Unit 2162

February 14, 2011